

Fiscal Estimate Narratives

DOJ 2/17/2010

LRB Number	09-4152/2	Introduction Number	AB-0753	Estimate Type	Original
Description Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.					

Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 175.35, whoever intentionally provides false information to a firearms dealer when purchasing a firearm shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

Under 2009 Assembly Bill 753, whoever provides false information regarding whether he or she is purchasing a firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law is guilty of a Class H felony.

Under current law, whoever intentionally receives or conceals stolen property is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$2,500; 2) a Class I felony if the value of the property is between \$2,501-\$5,000; and 3) a Class H felony if the value of the property is between \$5,001-\$10,000.

Also under current law, whoever intentionally receives stolen property from a child or conceals stolen property received from a child is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$500; 2) a Class I felony if the value of the property is between \$501-\$2,500; and 3) a Class H felony if the value of the property is between \$2,501-\$5,000.

Under 2009 Assembly Bill 753, whoever knowingly or intentionally receives or conceals a stolen firearm is guilty of a Class H felony, regardless of the value of the firearm. In addition, whoever intentionally receives a stolen firearm from a child or conceals a stolen firearm received from a child is guilty of a Class H felony, regardless of the value of the firearm.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 753 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources. However, if the increased caseload is significant, DOJ will need additional resources.

Long-Range Fiscal Implications